



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/900,961

07/10/2001

Kunio Shimizu

02860.0683

7969

22852

7590

12/23/2003

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

HON, SOW FUN

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/900,961

Applicant(s)

SHIMIZU ET AL.

Examiner

Sow-Fun Hon

Art Unit

1772

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment to advisory action.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 15-16, 18-26.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: attachment to advisory action

*Advisory Action*

1. The request for reconsideration in Paper # 6 (filed 11/26/03) in light of the new declaration in Paper # 7 (filed 11/26/03) has been fully considered but does not place the application in condition for allowance for the reasons set forth below.
2. The data in the declaration in Paper # 7 (filed 11/26/03) as presented by Applicant showed that sample 16 which employs the film sample disclosed in example 24A of Mercurio et al. containing as a plasticizer a methyl methacrylate polymer (oligomer) with an average molecular weight of 750 fell within the scope of the invention, whereby excellent retardation and retention properties, and excellent minimization of foreign materials or stain were shown.
3. Applicant argues that Iwashita does not disclose a cellulose ester film containing any additive such as a plasticizer much less the cellulose ester of the claims, that numerous plasticizers are known so that it is difficult to expect what kinds of plasticizers can provide the excellent results of the present application.

Applicant is respectfully apprised that Mercurio teaches that the methyl acrylate polymer is added to cellulose ester in order to modify the flow properties of the cellulose ester (for greater flexibility and hence lower brittleness) and yet not to plasticize it to any appreciable extent in order to allow it to retain its hardness ('977, column 1, lines 45-60). Mercurio teaches that the methyl acrylate polymer (oligomer) improves the flow of the cellulose ester (polymer) without excessively plasticizing the hard cellulose ester (polymer) to a point where they are noticeably softened at the use temperature distinguishes (are contrasted) it from the other plasticizers (abstract). Thus Mercurio does teach that the methyl acrylate polymer (oligomer) is distinct with the advantageous modifying properties listed above.

Art Unit: 1772

4. Applicant argues that since Mercurio does not disclose application of the cellulose film to the polarizing plate or the liquid crystal display as claimed, it would not have been obvious to one of ordinary skill in the art to combine Iwashita with Mercurio with an expectation that the excellent retardation and retention properties, and minimization of foreign materials or stains would be attained.

Applicant is respectfully apprised that a glass coated with conductive tin oxide ('977, column 9, lines 60-65) is taught by Mercurio to be a substrate on which the cellulose ester comprising methacrylate oligomer is coated. Mercurio thus teaches that the cellulose ester comprising methacrylate oligomer is coated onto a glass substrate coated with conductive tin oxide as the electrode on the other side. Iwashita teaches a glass substrate coated with tin oxide (conducting electrode), the other side of which is adhered the polarizing plate ('686, column 3, lines 45-55) which has cellulose acetate facing the outer surface of the glass substrate ('686, column 4, lines 60-70). Iwashita thus teaches that the cellulose ester layer is coated onto a glass substrate coated with conductive tin oxide (conductive electrode) on the other side.

Iwashita provides the teaching for the use of the laminate, of cellulose ester layer on one surface of a glass substrate coated with conductive tin oxide on the other surface, as part of a liquid crystal display ('686, column 4, lines 60-70), and that the cellulose ester layer functions as the protective coating of the polarizing plate in the liquid crystal display ('686, column 4, lines 60-70). Thus the suggestion is provided by Iwashita to use the laminate of Mercurio in the liquid crystal display wherein the cellulose ester layer functions as a protective coating of the polarizing plate of the display.

Art Unit: 1772

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

*SFH*  
Sow-Fun Hon  
12/18/13

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772